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**REMARKS**

Applicant and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Upon entry of the present Amendment, Claims 1-31 and 33-34 will be all of the claims pending examination.

Instantly Claims 1-31 are amended, Claims 33-34 are newly added, and Claim 32 is canceled without prejudice. Applicant respectfully submits that no new matter has been added by the present amendment. Support for the amendment can be found generally throughout the text. Moreover, Applicant intends no change in the scope of the claims by the changes made by this amendment. It should be noted this amendment is not in acquiescence of the Office's position on the allowability of the claims, but made merely to expedite prosecution.

It is respectfully submitted the present invention is patentably distinct over the cited art; therefore, the Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

**I. Drawing & Specification Objections****1. 37 CFR 1.83(a)**

The drawings are objected to under 37 CFR 1.83(a). The Examiner opines that the drawings fail to show every feature of the invention specified in the claims, specifically, the rear end, motor vehicle body, and adhesive, thus, requiring replacement drawings or amendments to the claims.

Applicant has herby amended the Claims so as to fully address the Office's concerns. It is respectfully submitted the drawings fully comply with 37 CFR 1.83(a) and therefore the objections can be immediately withdrawn.

2. 37 CFR 1.84(p)(5)

Under section 37 CFR 1.84(p)(5) "[r]eference characters not mentioned in the description shall not appear in the drawings," likewise, "[r]eference characters mentioned in the description must appear in the drawings." Instantly the drawings are objected to as failing to include a reference numeral, 44, as set forth in the specification. The Applicant has amended the specification so as to delete the reference numeral.

In light of aforementioned actions, Applicant submits the outstanding objections to the drawings can be properly withdrawn at this juncture.

3. Specification

The Office objects to the disclosure because "on page 15, line 2, "stanchions" were previously described as "sides"." (Office Action Pg. 3) The Applicant's disclosure provides, "The carrier member 12, as shown in Figs. 1 and 2, is substantially rectangular-shaped and has top and bottom ends 32, 34 and lateral left and right sides or ends 36, 38, also referred to herein as left and right stanchions 36, 38." (Page 12, lines 5-8) Applicant submits the present use of the terms is fully supported in the Specification and therefore requests the withdrawal of the objection.

4. Claim Objections

The Office objects to the use of the terms "shaped" in Claims 10 and 21 and "members" in Claim 23. Presently, "shaped" has been deleted from Claims 10 and 21. In addition, "members" has been amended to "member". It is therefore respectfully submitted the objections to Claims 10, 21, and 23 should also be withdrawn.

## II. Claim Rejections

### 1. Statutory Type Double Patenting

The Office opines that Claims 25-27 and Claims 28-30 are substantially duplicates of one another and therefore unpatentable under 35 U.S.C. 101. Claims 25 and 28 are both dependent from Claim 23, while Claims 26-27 and 29-30 are dependent from Claims 25 and 28 respectively. It is submitted that Claims 25 and 28 (and therefore Claims 26-27 and 29-30) are different from one another. As explained in the MPEP an applicant has the "[r]ight to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough." *Id.* at Sect. 706.03(k) Thus Applicant respectfully requests that the present double patenting rejections be withdrawn in light of the present differences between the Claims.

### 2. 35 U.S.C. § 112

The Office indicates there is no antecedent basis for the limitation, "a polygonal-shaped mating opening," set forth in Claims 8, 19, 26, and 29, as well as the limitation "a motor vehicle" in Claim 11.

"[A] motor vehicle" has been deleted from Claim 11. In addition, with regard to Claims 8, 19, 26, and 29, the claims have been amended to recite, *inter alia*, "[w]herein the mating opening is a polygonal-shaped mating opening."

As amended, it is respectfully submitted the claims are definite under 35 U.S.C. 112, second paragraph, therefore, Applicant requests the withdrawal of said rejections.

### 3. 35 U.S.C. § 102(b)

Claims 1, 6, 11-12, 17, and 22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Mildner et al., EP No. 0945330 (hereinafter "Mildner").

Applicant respectfully disagrees. For a reference to anticipate a claimed invention under § 102 the Office has the initial burden of establishing anticipation. "[I]t is incumbent upon the Patent Office . . . to set forth clearly why it regards a claim to be anticipated . . . ." *In re Mullin*, 481 F.2d 1333, 1336, 179 U.S.P.Q. 97, 100 (C.C.P.A. 1973). The Office cannot merely assert that a particular reference anticipates a claim. For example, in *Mullin*, the court found the examiner's assertion that "Claims 1-5 are rejected as obviously anticipated by [a reference] under 35 U.S.C. 102" did not necessarily inform the applicant why the claims were regarded as defective. *Id.* at 1336-37, 179 U.S.P.Q. at 100.

In this instance the Office has provided that "Claims 1, 6, 11-12, 17, 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 0945330." (Office Action Page 5). No further explanation of the anticipation rejection is provided, *i.e.*, no explanation as to how or why Mildner teaches the claimed invention is set forth. Therefore the Office has failed "to set forth clearly why it regards a claim to be anticipated."

The Applicant would also like to note that the reference should not be applied as an anticipatory reference in the future because it fails to teach all of the presently claimed limitations of the invention, which is also required for an anticipation rejection. *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983);, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978). *see also In re Marshall*.

In light of the above, Applicant respectfully traverses the anticipation rejection and requests that the same be withdrawn or fully explained so as to enable the Applicant a chance to fully respond.

4. 35 U.S.C. § 103(a)

Claims 2-4 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mildner in view of Latcau, U.S. Patent No. 6,450,276 (hereinafter "Latcau"). Claims 5 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mildner in view of Ritchie et al., U.S. Patent No. 6,712,426 (hereinafter

"Ritchie").

It is well-settled that to establish a *prima facie* case of obviousness, the Office must satisfy all of the following requirements: (1) the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion that would have motivated the skilled artisan to modify a reference or to combine references, *ProMold v. Great Lakes Plastics*, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996); (2) the proposed modification must have had a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made, *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991); and (3) the prior art reference or combination of references must teach or suggest all of the limitations of the claims, *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

In setting forth the present 103 rejections the Office relies on Mildner as the reference teaching the elements as set forth in the independent Claims. However because, as discussed above, no explanation is provided by the Office as to why or how Mildner possible teaches these elements a *prima facie* case of obvious has not been established. Moreover, Latcau and Ritchie fail to overcome the deficiencies in the teaching of Mildner.

Applicant therefore respectfully requests the obviousness type rejections be withdrawn.

### **III. Conclusion:**

In view of the foregoing, it is respectfully submitted that independent Claims 1, 12, and 23 fully distinguish over the applied art and are thus are in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 12, and 23, it is respectfully submitted that Claims 2-11, 13-22, and 24-34 are also presently allowable.

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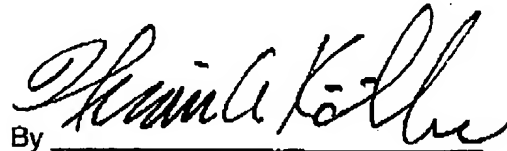
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The "prior art made of record" has been reviewed. Applicant acknowledges that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicant will be fully prepared to respond thereto.

Applicant acknowledges that Claims 7-10, 18-21, 23-25, and 27-32 were indicated by the Examiner as being allowable if rewritten in independent form or rewritten to overcome a minor informalities. Applicant reserves the right to file new claims of such scope at a later date that would still, at that point, presumably be allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-31 and 33-34, is presently in condition for allowance. Notice to the effect is earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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